

MINUTES
IDAHO STATE BOARD OF ACCOUNTANCY
Boise, Idaho
January 12, 2001
REGULAR SESSION

The Regular Session of the Idaho State Board of Accountancy was called to order at 9:02 AM with Chair Samuel K. Cotterell, CPA presiding. The Board adjourned to Executive Session at 9:05 AM. The Executive Session concluded at 9:25 AM, and the hearing regarding the complaint filed against Mr. David Swager, CPA began at 9:30 AM. There was a break from 10:20 AM until 10:32 AM. The hearing recessed at 12:14 PM for lunch and resumed at 12:37 PM. A break was held from 1:30 PM until 1:40 PM. The hearing concluded at 5:27 PM. The Board adjourned to Executive Session at the conclusion of the hearing. The Regular Session resumed at 6:30 PM and adjourned at 6:50 PM at which time the record was closed.

ROLL CALL: The following members of the Board were present:
Sam Cotterell, CPA, Chairman
Tom Jones, CPA, Vice-Chairman
Kitty Pumphrey, CPA, Secretary
Larry Stewart, LPA, Treasurer
Larry Bird, CPA, Investigative Chair
Jim Pilcher, CPA, CPA Member

The following member of the Board was not present:
Don Etter, Public Member, absent and excused.

Mike Sheeley, Deputy Attorney General, was present as Board Administrative Counsel.

Barbara Porter, Executive Director; Larry Hunter, Attorney; Kevin Smith, Investigator, Sue Lenon, Board Staff Secretary were present for the Prosecution.

Robin Dunn and Stephen Clark, Attorneys; Charles Clark, CPA, and Alberta Wiederrick, witnesses; and David Swager, CPA, respondent were present representing the applicant.

The Regular Session was called to order at 9:02 AM. Samuel K. Cotterell, Chair, citing *Idaho Code* Section 67-2345 (1)(d) & (f), called for a vote to adjourn to Executive Session to consider and advise its legal counsel regarding proceedings before the Board. All members of the Board present voted as follows: Sam Cotterell, CPA, yes; Tom Jones, CPA, yes; Kitty Pumphrey, CPA, yes; Larry Bird, CPA, yes; Larry Stewart, LPA, yes; and Jim Pilcher, CPA, yes. Prosecution and applicant representatives were excused during the Executive Session and rejoined the Board during the Regular Session.

MINUTES
IDAHO STATE BOARD OF ACCOUNTANCY
Boise, Idaho
January 12, 2001
REGULAR SESSION

The Regular Session resumed at 9:30 AM. The proceedings were recorded by two tape recorders.

At the conclusion of the hearing, Samuel K. Cotterell, Chair, citing *Idaho Code* Section 67-2345 (1)(d) & (f), called for a vote to adjourn to Executive Session to consider and advise its legal counsel regarding proceedings before the Board. All members of the Board present voted as follows: Sam Cotterell, CPA, yes; Tom Jones, CPA, yes; Kitty Pumphrey, CPA, yes; Larry Bird, CPA, yes; Larry Stewart, CPA, yes; and Jim Pilcher, CPA, yes. Prosecution and applicant representatives were excused during the Executive Session and rejoined the Board during the Regular Session.

The Regular Session resumed at 6:30 PM. Larry Bird, CPA motioned the Board's conclusion that Mr. Swager violated the Idaho Accountancy Rules under Rules 405.02, 405.03, 405.04, 406.01 and 406.02a & h. Ms. Pumphrey seconded the motion. Motion carried. Larry Bird, CPA motioned that Mr. Swager's CPA license be suspended for six month effective May 1, 2001; that immediately following the suspension, Mr. Swager's CPA license be reinstated subject to restriction for an additional six months, during which time Mr. Swager is prohibited from engaging in or conducting audit services; immediately after which Mr. Swager shall be on probation for two years, during which time any audit services must be done according to a plan of supervision approved by the Board; and Mr. Swager must complete 80 hours of CPE specific to audit standards within 1 year from the effective date of the order; and that the cost of the CPE and supervision shall be at Mr. Swager's expense. Mr. Jones seconded the motion. Motion carried.

There being no further business before the Board, the Regular Session was adjourned at 6:50 PM.

Samuel K. Cotterell, CPA, Chair

J. Thomas Jones, CPA, Vice-Chair

Lela D. Pumphrey, CPA, Secretary